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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PROGRAMMABLE THERMOSTAT
SYSTEM EMPLOYING A TOUCH SCREEN UNIT
FOR INTUITIVE INTERACTIVE INTERFACE
WITH A USER

Inventor(s): Howard Rosen

Serial No.: 10/060768

Filing Date: 1/30/2002

Group No.: 2173

Examiner:

Attorney Docket No.: 0208.1A4

TRANSMITTAL LETTER:
REGULAR PATENT
APPLICATION

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted hereunder for filing is
the above patent application and/or
related documents as listed below.

CERTIFICATE OF MAILING (37 CFR 1.08)

I, the person below signing this Certificate of Mailing,
hereby certify that this document and the documents
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D. Bracken

Signature: David T. Bracken
Date of Mailing: May 18, 2004

- ☒ Petition to Make Special – 1 p.
☒ Declaration in Support – 2 p.

- ☒ Information Disclosure Statement / Remarks
☒ Copies of Cited Prior Art
☒ Credit Card Authorization for \$130

Address all correspondence to: David T. Bracken
The Law Office of David T. Bracken
4839 East Bond Avenue
Orange, CA 92869
Phone: 714-744-4798

David T. Bracken

Attorney for Applicant(s)
David T. Bracken, Reg. No. 37522



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: PROGRAMMABLE THERMOSTAT
SYSTEM EMPLOYING A TOUCH SCREEN
UNIT FOR INTUITIVE INTERACTIVE
INTERFACE WITH A USER

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**PETITION TO MAKE SPECIAL
PURSUANT TO 37 CFR §1.102(d)
AND MPEP 708.02(I) FOR
MANUFACTURE**

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant petitions to make this application special is made pursuant to the grounds of infringement under 37 CFR §1.102(d) and MPEP 708.02(II). The applicable fee for this petition is enclosed herewith pursuant to 37 CFR §1.17.

Enclosed is a declaration by the attorney for Applicant confirming:

- A) That there is an infringing device or product actually on the market or method in use in the form of VisionPRO 8000 Thermostat by Honeywell;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in the opinion of Applicant's attorney, some of the claims are unquestionably infringed; and
- (C) That Applicant's attorney has made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Enclosed is one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

Applicant provides herewith an Information Disclosure Statement explaining the search procedure and remarks relating the references to the claimed invention.

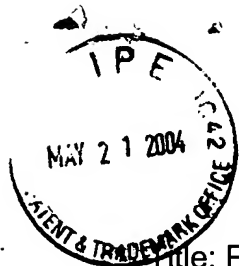
This application has not been examined in over 27 months since its filing date.
The present petition to make special is required primarily because of that delay.

Respectfully submitted,

May 18, 2004

A handwritten signature in dark ink, appearing to read "D. Bracken", written in a cursive style.

David T. Bracken
Reg. No. 37,522



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s): Howard Rosen

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Filing Date: 1/30/2002

Group No.: 2173

Examiner:

Attorney Docket No.: 0208.1A4

**DECLARATION IN SUPPORT
PETITION TO MAKE SPECIAL
PURSUANT TO 37 CFR §1.102(d)
AND MPEP 708.02(II) FOR
INFRINGEMENT**

The undersigned, in support of a petition to make special pursuant to 37 CFR §1.102(d) and MPEP 708.02(II), declares that:

1. I am attorney of record for Applicant in the above application.
2. I have carefully reviewed the specification, claims and drawings of the above application. No amendments have been made to the application since its filing date.
3. I further declare that:
 - A) I have discovered that there is an infringing device or product actually on the market in use in the form of VisionPRO 8000 Thermostat by Honeywell, as evidenced by the two page document attached hereto as Exhibit A and entitled "Honeywell / VisionPRO 8000 Thermostat";
 - (B) I have made a rigid comparison of the alleged infringing device or product with the claims of the application, and that, in my opinion, some of the claims are unquestionably infringed; and
 - (C) I have, as evidenced in the attached Information Disclosure Statement, made a careful and thorough search of the prior art and have a good knowledge of the pertinent prior art.
4. The alleged infringing device shown in Exhibit A contains literally or equivalently all the elements of at least Claim 1 of the above application. The alleged infringing device is a programmable thermostat receiving sensed temperature input and having a touchscreen interface through which a user can change a heating or cooling setpoint.
5. All the above statements were made of my own knowledge are true and that all statements made on information and belief are believed to be true and with

knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 the United States Code, and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of Declarant(s):	Signature of Declarant:	Date:
David T. Bracken	<i>D. T. Bracken</i>	5/18/2004

VisionPRO™ 8000 Thermostat



Finally, a programmable thermostat that almost reads your mind. Honeywell's VisionPRO™ 8000 Thermostat is the easiest-to-use thermostat ever — no owner's manual needed. Its intuitive logic responds to your choices and schedule for optimal comfort and energy savings.

Simply put, Honeywell's VisionPRO 8000 knows how to keep you comfortable.

VisionPRO™ 8000 Thermostat

Maximum Comfort Has Never Been Easier

Large, Clear Display with backlighting shows the current and set temperatures and time — even in the dark.

Menu Driven Programming makes set up effortless.

Beautiful Ergonomic Design — smart and sophisticated to match your lifestyle.

Touchscreen Interaction

Programmable Fan offers increased air quality when combined with a Honeywell Whole-house Air Cleaner.

Real Time Clock keeps time during power failures and automatically updates to daylight savings.

"Saving Changes" Notification let's you know your changes have been saved.

Armchair Programming allows you to remove the thermostat from the wall for programming.

Speed Same-Schedule Programming — no need to copy multiple days.

Various HOLD Options allow you to override the program schedule as desired.

Change/Check Reminders let you know when to service or replace filters, batteries, etc.



Honeywell

Automation and Control Solutions

In the US: Honeywell, 1985 Douglas Drive North, Golden Valley, MN 55422-3992

In Canada: Honeywell Limited, 35 Dynamic Drive, Toronto, Ontario M1V 4Z9

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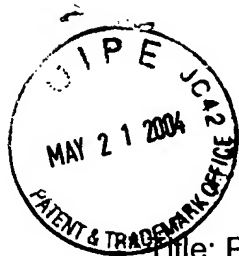
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INFORMATION DISCLOSURE
STATEMENT - REMARKS

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. 1.56 and pursuant to 37 C.F.R. 1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed on the attached Form PTO-SB-08A. One copy of the cited document is submitted herewith.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute any of the listed documents as prior art during examination. Further, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. Furthermore, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist. Applicant respectfully submits that all pending claims are patentable over the foregoing references, alone or in combination.

The present Information Disclosure Statement is being filed with a PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR §1.102(d) AND MPEP 708.02(II) FOR INFRINGEMENT.

The invention is directed to a thermostat with a touchscreen interface.

An extensive and diligent search was made relative to thermostats and other such devices with data connections to a network.

US Patent 5170935 is directed to a system for a human to thermostat interface where a thermostat learns to compare presently input thermal sensations with

calculated anticipatory parameters stored in the thermostat. Input means are described for touch screens.

US Patent 4224615 discloses a generalized form of a touch screen for user input.

US Patent 5818428 describes a touch screen for a PC or home appliance that can be changed in appearance after purchase by a user to make the interface more acceptable to the user.

US Patent 6344861 discloses that a handheld device such as a PDA may be used wirelessly to form an interface with a thermostat.

The references do not disclose a method for using different touch screen displays which represent subsequent menu or sub listed functions accessible through a touch screen display in a thermostat.

Respectfully submitted,

Dated: May 18, 2004

A handwritten signature in black ink, appearing to read "D. Bracken".

David T. Bracken
Registration No. 37,522



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